



*JFW*

Attorney Docket No. 09792909-6397 (formerly 09793822-0191)

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

|                                |   |                           |
|--------------------------------|---|---------------------------|
| In re Patent Application of:   | ) | Group Art Unit: 1745      |
|                                | ) |                           |
| Yamada ATSUO                   | ) | Examiner: Laura S. Weimer |
|                                | ) |                           |
| Application No. 10/611,622     | ) |                           |
|                                | ) |                           |
| Filed: June 30, 2003           | ) |                           |
|                                | ) |                           |
| For: POSITIVE ELECTRODE ACTIVE | ) |                           |
| MATERIAL, NON-AQUEOUS          | ) |                           |
| ELECTROLYTE SECONDARY          | ) |                           |
| BATTERY AND METHOD FOR         | ) |                           |
| PRODUCING POSITIVE             | ) |                           |
| ELECTRODE ACTIVE MATERIAL      | ) |                           |

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT AFTER  
MAILING DATE OF FINAL ACTION OR NOTICE OF ALLOWANCE  
BUT BEFORE PAYMENT OF ISSUE FEE (37 C.F.R. § 1.97(d))**

**TIME OF TRANSMITTAL OF ACCOMPANYING  
INFORMATION DISCLOSURE STATEMENT**

The information disclosure statement transmitted herewith is being filed *after* a final action under Section 1.113, or a notice of allowance under Section 1.311, whichever occurs first, but before, or simultaneously with, the payment of the issue fee.

10/21/2005 HVUONG1 00000054 10611622

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The filing of this information disclosure statement shall not be construed as a representation that a search has been made (37 C.F.R. § 1.97(g)), an admission that the information cited is, or is considered to be, material to patentability, or that no other material information exists.

The filing of this information disclosure statement shall not be construed as an admission against interest in any manner. Notice of January 9, 1992, 1135 O.G. 13-25, at 25.

Pursuant to 37 C.F.R. § 1.97(e)(2), no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application and to the knowledge of the person signing the statement after making reasonable inquiry, was known to any individual designated in Section 1.56(c) more than three months prior to the filing of the information disclosure statement.

This application relies, under 35 U.S.C. § 120, on the earlier filing date of prior application serial number 09/701,903 filed February 14, 2001. Cite number 1 is the patent of U.S. priority application 09/701,903. Cite numbers 2 and 3 were cited by the Office in the prior application. Accordingly, these documents are not required to be provided.

Applicants hereby petition for the consideration of the accompanying information disclosure statement. 37 C.F.R. § 1.97(d)(2).

Applicants submit herewith a credit card payment form in the amount of \$180.00 for the petition fee set forth in 37 C.F.R. § 1.17(p).

10/611,622 (09792909-6397, formerly 09793822-0191)

Transmittal of Information Disclosure Statement

Page 3

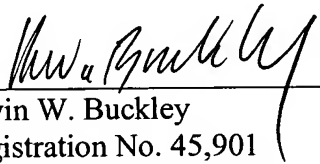
The Commissioner is hereby authorized to credit overpayments or to charge any deficiency in a required fee to Deposit Account No. 19-3140. A duplicate copy of this sheet is enclosed.

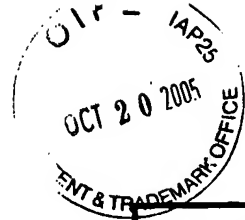
Respectfully submitted,

Dated: \_\_\_\_\_

10/18/05

By: \_\_\_\_\_

  
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|---|--|--|--|--------------------------|---|
| <b>Substitute for form 1449A/PTO</b><br><br><b>INFORMATION DISCLOSURE<br/>STATEMENT BY APPLICANT</b><br><br>(use as many sheets as necessary)<br><br>Sheet 1 of 1 |  |  |  | <b>Complete if Known</b> |   |
|   |  |  |  | Application Number       | 10/611,622                                |
|   |  |  |  | Filing Date              | June 30, 2003                             |
|   |  |  |  | First Named Inventor     | Yamada Atsuo                              |
|   |  |  |  | Art Unit                 | 1745                                      |
|   |  |  |  | Examiner Name            | Laura S. Weimer                           |
|   |  |  |  | Attorney Docket Number   | 09792909-6397 (formerly<br>09793822-0191) |

| U.S. PATENT DOCUMENTS |                          |  |                                |  |   |
|-----------------------|--------------------------|--|--------------------------------|--|---|
| Examiner<br>Initials* | Cite<br>No. <sup>1</sup> | Document Number                          | Publication Date<br>MM-DD-YYYY | Name of Patentee or<br>Applicant of Cited Document | Pages, Columns, Lines,<br>Where Relevant Passages or<br>Relevant Figures Appear |
|                       |                          | Number-Kind Code <sup>2</sup> (if known) |                                |  |   |
|                       | 1                        | US-6,632,566                             | 10-2003                        | Atsuo et al.                                       |   |
|                       | 2                        | US-6,165,642                             | 12-2000                        | Kawakami et al.                                    |   |

| FOREIGN PATENT DOCUMENTS |                       |   |                             |  |   |                          |
|--------------------------|-----------------------|---|-----------------------------|--|---|--------------------------|
| Examiner<br>Initials*    | Cite No. <sup>1</sup> | Foreign Patent Number   | Publication Date<br>MM-YYYY | Name of Patentee or<br>Applicant of Cited Document | Pages, Columns, Lines,<br>Where Relevant Passages or<br>Relevant Figures Appear | T <sup>6</sup>           |
|                          |                       | Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known) |                             |  |   |                          |
|                          | 3                     | JP 10-312789  | 11-1998                     |  |   | <input type="checkbox"/> |
|                          | 4                     | JP 9-171827   | 6-1997                      |  |   | <input type="checkbox"/> |

| OTHER ITEMS – NON PATENT LITERATURE DOCUMENTS |                       |   |                |
|---|-----------------------|---|----------------|
| Examiner<br>Initials*                         | Cite No. <sup>1</sup> | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | T <sup>2</sup> |
|   | 5                     | PADHI et al., "Phospho-Olivines as Positive-Electrode Materials for Rechargeable Lithium Batteries," J. Electrochemical Society, 1997, pp. 1188-1194, Vol. 144.   |                |

|                       |  |                    |  |
|-----------------------|--|--------------------|--|
| Examiner<br>Signature |  | Date<br>Considered |  |
|-----------------------|--|--------------------|--|

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.